

REMARKS

Claims 53-67 remain in this application. Claims 26-52 have been cancelled without prejudice to their subsequent reinstatement. Claims 53-67 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §103(a) Rejection – Fung and Buzzeo

The Examiner has previously rejected claims 26-38 and 44-52 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,859,882 issued to Fung and U.S. Patent No. 6,125,363 issued to Buzzeo et al.

These claims have been cancelled. Therefore the rejection is believed to be moot.

35 U.S.C. §103(a) Rejection – Fung and Hobson

The Examiner has rejected claims 39-43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,859,882 issued to Fung and U.S. Patent No. 6,360,327 issued to Hobson.

These claims have been cancelled. Therefore the rejection is believed to be moot.

New Claims 53-67 Believed Allowable

Claim 53 recites a method comprising *“determining a representation of a network processing load associated with a server, wherein the representation of the network processing load is determined based on both, a number of client connections to a server, and whether each of the connections is secure or un-secure; and selecting a power state for a processor of the server based on the representation”*.

As understood by the Applicants, the cited art of record does not teach or suggest such limitations. In particular, as understood by Applicants, there is no teaching or reasonable suggestion in .S. Patent No. 6,859,882 issued to Fung of selecting a power state based on whether connections are secure or un-secure.

Accordingly, claim 53 is believed to be allowable. Claims 54-58 depend from claim 53, and are believed to be allowable therefor, as well as for the recitations set forth in each of these dependent claims.

Independent claims 59 and 64, as well as their respective dependent claims, are believed to be allowable for similar reasons.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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Date: 7-21-05

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